

MASSACHUSETTS PROBATE AND FAMILY COURT
IN CLERKS OFFICE COUNTY

FILED
IN CLERKS OFFICE
) SS:

2005 JAN 20 A 9:43
CASE NO. 97D-4115-DV1

U.S. DISTRICT COURT
DISTRICT OF MASS.

Margaret Cimini,
Plaintiff

vs.

Mark Cimini,
Defendant

and in RE the support and welfare
of the minor child of the parties

05 • 10125 RCL

Notice Of Removal To United States District Court

MAGISTRATE JUDGE

New Mag

Comes now the Defendant, Mark Cimini, and notifies the parties and the Court that this cause has been removed to the jurisdiction of the United States, by stating the following:

1. There have been, and continue to be, violations against the civil and constitutional rights of this undersigned Defendant in this cause, and which have not been duly protected.

2. Accordingly, and commensurate with certain issues within these state proceedings also giving independent rise to federal subject-matter jurisdiction, this cause has now been removed to the United States District Court for the District of Massachusetts Division.

3. As the Court and all parties can clearly confirm, the attached Notice and Warrant regarding Petition For Removal was filed in said federal court on January 20, 2004.

4. The parties and this Court are hereby given formal **notice** that the combination of filings made under both this cause now herewith, as well as within the aforementioned federal court, *automatically divests* this Court of **any and all** further authority and jurisdiction over these proceedings – **bar none** (see 28 USC § 1446 (d)) – and, *therefore*, there will be **NO** more

hearings, orders, or *any* other proceedings held, made, or done within this state cause until, and unless, further notice or order is first made by the judge of said United States District Court¹.

Respectfully submitted,



Mark Cimini

CERTIFICATE OF SERVICE

I hereby certify that, on this 26th day of January, 2004, a true and complete copy of the foregoing notice of removal, by depositing the same in the United States mail, postage prepaid, has been duly served upon all parties of record in these proceedings.



Mark Cimini

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¹ "The petition is now filed in the first instance in the federal court. After notice is given to all adverse parties and a copy of the petition is filed with the state court, removal is effected and state court proceedings cease unless the case is remanded. 28 U. S. C. § 1446 (1964 ed.). See generally, American Law Institute, Study of the Division of Jurisdiction Between State and Federal Courts, Tentative Draft No. 4, p. 153 et seq. (April 25, 1966)." Georgia v. Rachel, 384 U.S. 780, 809 n27, 86 S. Ct. 1783, 16 L. Ed. 2d 925 (1966).